

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>BA1/1838/2025</u> Anash --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Ms. Rajni Rangwal, learned counsel for the applicant. 2. Mr. Sandeep Sharma and Mrs. Rangoli Purohit, learned A.G.A. for the State. 3. The present applicant 'Anash' S/o Zareef Ahmad is praying for bail in reference to First Information Report dated 20.05.2025 bearing FIR No. 0221 of 2025, P.S. Kashipur, District Udham Singh Nagar, wherein, he has been implicated for the offence punishable under section 8/22 of NDPS Act. 4. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated and the alleged prohibited drug, which is shown to be recovered, though are commercial but there is no substantial compliance of mandatory provisions of NDPS Act. In respect of the inventory which was prepared at the time of search and seizure, she submits that the though the inventory was prepared but it was not certified by the Magistrate concerned in the manner as provided under Rule 8 of the Rules of 2022, therefore, there is no substantial compliance of section 52A of the NDPS Act. About criminal antecedents she submits that there is no criminal antecedents and the applicant is languishing in jail since 21.05.2025. She finally concluded her argument by submitting that since the inventory is not certified in the manner as provided under the Rules, therefore, there are reasonable ground that the applicant is not involved and furthermore the applicant has no criminal history, therefore, there

		is no any possibility that if he is enlarged on bail he will indulge in such activity, therefore, in such eventuality, since the twin condition of Section 37 of the NDPS Act are fulfilled, therefore, the applicant be released on bail. 5. On the other side, learned A.G.A. oppose the bail application by submitting that since the alleged prohibited drug, which is shown to be recovered, is commercial one, therefore, in terms of section 37 of the NDPS Act the applicant does not deserve for bail, however, he submits that the inventory was certified by the Magistrate by putting an endorsement of 'seen' and is completely a subject matter of trial and have not disputed that the applicant has no criminal antecedent. 6. After hearing the arguments of learned counsel for the parties and in view of the discussion as above the twin conditions as stipulated under of section 37 of the NDPS Act, which are fulfilled and the present applicant is languishing in jail since 21.05.2025, this court is of the view that the applicant deserves for bail. 7. Accordingly, without expressing any opinion on the merit of the case, the bail application is allowed. 8. Let the applicant 'Anash' be released on bail on furnishing his personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to the following conditions: - That the applicant after being released on bail shall join the Trial Court proceeding on each and every date. - After being released on bail the applicant shall surrender his passport, if any, to the Trial Court within three days. - The applicant shall not indulge in any such activity in future. In breach of any such condition the prosecution can move an application for cancellation of bail. (Rakesh Thapliyal, J.) 29.07.2026 PR
--	--	---

--	--	--	--